IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.1990 OF 2004

Gyanaba Krishnaji Bhujbal ...Petitioner

vs.

Sau.Malan Gyanaba Bhujbal & Ors. ...Respondents

Mr.Atul P. Vanarse for the Applicant
Ms R.M.Gadhvi, A.P.P. for State

CORAM: A.S.OKA,J.
DATE : JUNE 17,2005.

P.C.:

1. The challenge in this Petition under Article 227 of the Constitution of India is to the order of maintenance passed by the learned Judicial Magistrate in favour of the Respondent Nos.1 to 3. The learned Magistrate has awarded maintenance of Rs.400/- p.m. to the Respondent No.1-wife and maintenance of Rs.200/- p.m. each to the Respondent Nos.2 and 3. The order of the learned Magistrate is confirmed by the learned Sessions Judge in revision.

2. Shri Vanarse, learned Counsel for the Petitioner pointed out that subsequent to the order passed by the learned Magistrate in an Application filed by the Respondent Nos.1 to 3 under Section 18 of Hindu Adoption and Maintenance Act, 1956, by order dated 27th July 2004 maintenance of Rs.600/- p.m. for the Respondent No.1 and maintenance of Rs.800/- each to Respondent Nos.2 and 3 has been granted. He submitted that the Petitioner has been paying maintenance amount as per the

said order. He submitted that the status of the Respondent No.1 is under challenge.

3. I have considered the submissions of the learned Counsel for the Petitioner. The revisional Court has noted that the monthly salary of the Petitioner was approximately Rs.8000/- and he is an owner of the agricultural land admeasuring 15 acres. Shri Vanarse tried to submit that the Petitioner was in Government service and now he is under orders of suspension. There is no material on record to show that the Petitioner is under suspension. Apart from that he is holding 15 acres of land. Considering the status of the Petitioner, the amount of maintenance awarded by the learned Magistrate is certainly on the lower side. However, subsequently in proceeding under Section 18 of the said Act of 1956, additional amount of maintenance has been granted. Considering the income and status of the Petitioner, subsequent grant of maintenance under Section 18 of the said Act of 1956 will not help the Petitioner.

4. No interference is called for under Article 227 of Constitution of India.

JUDGE